

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
Proceeding Memorandum/Order

In Re: Amorello, Peter L.

Case Number: 05-60025 JBR

Chapter: 7

MOVANT/APPLICANT/PARTIES

[9] Certificate of Credit Counseling

COURT ACTION:

Show Cause Order \_\_\_\_\_ Released \_\_\_\_\_ Enforced \_\_\_\_\_  
\_\_\_\_\_ Granted \_\_\_\_\_ Approved \_\_\_\_\_ Moot \_\_\_\_\_  
\_\_\_\_\_ Denied \_\_\_\_\_ Denied without Prejudice \_\_\_\_\_  
\_\_\_\_\_ Withdrawn in Open Court \_\_\_\_\_  
\_\_\_\_\_ Sustained \_\_\_\_\_ Overruled \_\_\_\_\_  
\_\_\_\_\_ Continued to: \_\_\_\_\_  
\_\_\_\_\_ Proposed Order to be Submitted by: \_\_\_\_\_  
\_\_\_\_\_ Stipulation to be Submitted by: \_\_\_\_\_  
\_\_\_\_\_ Taken Under Advisement \_\_\_\_\_

DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

at the hearing on the written Certificate, Debtor's counsel acknowledged that although Debtor was disabled, he was able to participate by telephone in a briefing required by 11 U.S.C. § 5109(h)(1). Counsel was given 15 days to file any memo of law or affidavit concerning § 5109 - none had been filed. As the Debtor has not demonstrated "exigent circumstances" and "unavailability" of counseling, both as required under 11 U.S.C. § 5109(h)(5), the Court has no choice but to dismiss this case. Case DISMISSED.

SO ORDERED:

Joel B. Rosenthal  
Joel B. Rosenthal

Dated: 12/20/05